

THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

IN RE:	§	
	§	
RYAN DEAN SAMUEL	§	CASE NO. 16-40099-R
XXX-XX-0813	§	
1600 MAPLELEAF DRIVE	§	CHAPTER 13
WYLIE, TX 75098	§	
	§	
CHRISTY LYNN SAMUEL	§	
XXX-XX-9662	§	
	§	
DEBTORS	§	

TRUSTEE'S REPORT FOR CONFIRMATION AND WITNESS AND EXHIBIT LIST

**TRUSTEE'S REPORT FOR CONFIRMATION**

Attorney for Debtors: DEMARCO-MITCHELL, PLLC

Trustee: CAREY D. EBERT, CHAPTER

Plan filed on: January 20, 2016

I. Budget Information

A. Monthly income:

Debtor	\$	3,951.42
Joint Debtor	\$	5,148.44
Other	\$	2,907.00
Total	\$	12,006.86
Expenses	\$	9,401.79
Difference	\$	2,605.07

B. Monthly plan payments \*

\$2,000.00	for 60 months =	\$	120,000.00
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II. Analysis of Plan

A. Monthly plan payment	*
B. Plan duration in months	60
C. Total to be paid into plan	\$ 120,000.00
D. Administrative allowance (10% of total to be paid into plan)	\$ 12,000.00
E. Net available to creditors	\$ 108,000.00

The Plan proposes the following treatment of the listed claims:

<b>Creditor</b>	<b>Proposed Principal Amount</b>	<b>Rate</b>	<b>Term</b>	<b>Monthly Payment</b>	<b>Total</b>
<u><b>PRIORITY AND SPECIALLY CLASSIFIED UNSECURED CLAIMS:</b></u>					
DEMARCO-MITCHELL, PLLC DEBTOR ATTORNEY	\$ 3,500.00	0.00	FIRST FUNDS	\$ 0.00	\$ 3,500.00
CHRISTINE SCHRAEDER DOMESTIC SUPPORT OBLIGATION (Debtor is disbursing agent)	0.00	0.00		\$0.00	0.00
INTERNAL REVENUE SERVICE - ED 2006, 2010 TAXES	51,660.91	0.00		\$0.00	51,660.91
TOTAL PAID TO PRIORITY AND SPECIALLY CLASSIFIED UNSECURED CLAIMS					\$55,160.91
<u><b>SECURED CLAIMS:</b></u>					
CHASE MORTGAGE ARREARS	30,257.47	4.13	1-49	pro rata	32,987.41
WRIED BOATS & STORAGE BOAT STORAGE CONTRACT (Assume lease)	0.00	0.00		\$0.00	0.00
CHASE HOMESTEAD (Debtor is disbursing agent)	0.00	0.00		\$0.00	0.00
GM FINANCIAL 2013 FORD EXPLORER (Debtor is disbursing agent)	0.00	0.00		\$0.00	0.00
MERRICK BANK 1999 BOSS 210 BOAT (Debtor is disbursing agent)	0.00	0.00		\$0.00	0.00
WELLS FARGO DEALER SERVICES 2011 FORD F150 LARIET (Debtor is disbursing agent)	0.00	0.00		\$0.00	0.00
TOTAL PAID TO SECURED CLAIMS					\$32,987.41
TOTAL PAID TO PRIORITY, SPECIALLY CLASSIFIED UNSECURED AND SECURED CLAIMS					\$88,148.32
AMOUNT AVAILABLE TO UNSECURED CLAIMS					\$19,851.68
PROJECTED DISPOSABLE INCOME AMOUNT UNDER 11 USC §1325(b)					\$58,483.20

The Trustee objects to confirmation on the following grounds:

- It does not appear that the Debtors have dedicated all projected disposable income to the proposed plan as required by 11 USC §1325(b)(1)(B).
- The plan has not been proposed in good faith. The plan proposes to pay for luxury items: boat and storage
- The Debtors have failed to amend Schedule J to reduce medical expenses
- The Debtors have not filed the following tax returns in violation of 11 USC §1325(a)(9): 2012-2015
- The Debtors have not tendered to the Chapter 13 Trustee the following documents:
  - Affidavit that the following tax returns were filed: 2012-2015; or alternatively, an affidavit that the tax returns were not required to be filed for those years.
  - Current declaration regarding status of post-petition obligations. (TXEB Local Form 3015-c)
- The Debtors propose to extend the plan term to 60 months without cause.

### **WITNESS AND EXHIBIT LIST**

The Trustee reserves the right to call as a witness any or all of the following listed persons in relation to confirmation:

1. Carey D. Ebert, Chapter 13 Trustee
2. Shelly Terrill
3. Debtors
4. Any witness designated by other party

The Trustee reserves the right to introduce into evidence any or all of the following:

1. Copy of the Trustee's Confirmation Report, Witness and Exhibit List
2. Copies of any schedules or pleadings as filed herein by the Debtors or any other party
3. Copies of any Proof of Claim as filed herein by any creditor or other party
4. Copies of any Chapter 13 Plan and amendments thereof filed herein by the Debtors
5. Copy of the latest computer printout from the Trustee's office representing the Chapter 13 Plan payments received by the Trustee from the Debtors
6. If the Debtors are self-employed, the Debtors' monthly operating reports or profit and loss statements provided to the Trustee
7. Copies of the Debtors' prior years' tax returns as provided to the Trustee
8. Copy of Required Amendments sheet from the §341 Meeting of Creditors
9. Copy of any other document produced by the Debtors at the §341 Meeting of Creditors, or subsequently produced by the Debtors to the Trustee
10. Copy of the current issue of the Dallas/Fort Worth Metroplex Apartment Guide and/or copies of current reports from [www.apartmentratings.com](http://www.apartmentratings.com)
11. Reports from news media sources for the DFW Metroplex
12. Copies of any other exhibits designated by any other party

Copies of these exhibits will be provided by the Trustee upon request by any party.

Respectfully submitted,

/s/ Shelly Terrill

Carey D. Ebert, Chapter 13 Trustee, TBN  
05332500

Shelly Terrill, TBN 00794788

Office of the Standing Chapter 13 Trustee  
500 North Central Expressway, Suite 350  
Plano, Texas 75074

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Trustee's Report for Confirmation and Witness and Exhibit List has been served upon the following parties in interest on the date set forth below by either electronic service or mailing a copy of same to them via first class mail.

RYAN DEAN SAMUEL  
CHRISTY LYNN SAMUEL  
1600 MAPLELEAF DRIVE  
WYLIE, TX 75098

DEMARCO-MITCHELL, PLLC  
1255 WEST 15TH STREET  
SUITE 805  
PLANO, TX 75075

PERDUE, BRANDON, FIELDER, COLLINS &  
MOTT, L.L.P.  
1919 S. SHILOH RD, SUITE 310, LB40  
GARLAND, TX 75042

MANDY YOUNGBLOOD  
PO BOX 183853  
ARLINGTON, TX 76096

LINEBARGER GOGGAN BLAIR & SAMPSON  
LLP  
2777 NORTH STEMMONS FREEWAY, SUITE  
1000  
DALLAS, TX 75207

Dated: March 16, 2016

/s/ Shelly Terrill  
Office of the Standing Chapter 13 Trustee